

1 GREGORY J. BROD, CSB 184456  
2 BROD LAW FIRM, P.C.  
3 100 Pine Street, Suite 1250  
4 San Francisco, California 94111  
5 Telephone (415) 397-1130  
6 Facsimile (415) 397-2121

7 Attorneys for Plaintiffs

8 [Additional Counsel on Signature Page.]

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF OREGON

11 McKENZIE LAW FIRM, P.A., and OLIVER )  
12 LAW OFFICES, INC. on Behalf of )  
13 Themselves and All Others Similarly Situated, )  
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Case No. 3:18-cv-01921-SI

Plaintiffs,

vs.

RUBY RECEPTIONISTS, INC,

Defendants.

**DECLARATION OF GREGORY J. BROD  
IN SUPPORT OF MOTION FOR  
ATTORNEYS' FEES AND  
REIMBURSEMENT OF EXPENSES  
FILED ON BEHALF OF BROD LAW  
FIRM, P.C.**

**DECLARATION OF GREGORY J. BROD IN SUPPORT OF MOTION FOR ATTORNEYS' FEES AND  
REIMBURSEMENT OF EXPENSES FILED ON BEHALF OF BROD LAW FIRM, P.C.: Case No. 3:18-cv-01921-SI**

I, Gregory J. Brod declare as follows:

1. I am the President of Brod Law Firm, P.C. I submit this declaration in support of Class Counsel's application for an award of attorneys' fees in connection with services rendered in this case, as well as the reimbursement of expenses incurred by my firm in connection with this consumer class action litigation. I have personal knowledge of the matters set forth herein based upon my active participation in all material aspects of the litigation.
2. I acted as Plaintiffs' and Class Counsel along with co-counsel in this national class action, involving both the instant federal action, as well as a related state action.
3. The work done in this case by Class Counsel is described in detail in the Motion for Final Approval and Award of Attorneys' Fees and Costs and Service Awards to Plaintiffs, which is being filed concurrently with this declaration.
4. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.
5. As of May 1, 2021, the total number of hours I have expended on this litigation is 392 hours. The total lodestar, based on my current hourly rate of \$650.00, which has been deemed reasonable by the Superior Court of California for the County of San Francisco in June of 2020, is \$254,800.00.<sup>1</sup>

<sup>1</sup> Case of *Vasquez, et al. v. Tonna, et al.*, San Francisco Superior Court Case No. CGC18567518, approving attorney's fees which application included Gregory Brod's hourly rate of \$650.00 per hour

**DECLARATION OF GREGORY J. BROD IN SUPPORT OF MOTION FOR ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES FILED ON BEHALF OF BROD LAW FIRM, P.C.: Case No. 3:18-cv-01921-SI**

1           6. My lodestar figure is based upon my billing rates, which rates do not include charges  
2           for expense items. Expense items are billed separately and such charges are not  
3           duplicated in my billing rates.

4           7. I have general familiarity with the range of hourly rates typically charged by  
5           plaintiffs' class action counsel in the district where my firm is located and throughout  
6           the United States, both on a current basis and historically.

7           8. In addition to my general familiarity with market rates and my review of the hourly  
8           rates claimed by other class action counsel, my conclusion that my hourly rate is  
9           reasonable is bolstered by the following authorities and evidence:  
10          

11                   (a) This rate is normally offered and charged to clients for non-contingent  
12                   work and has not been altered to account for the contingent nature of  
13                   this litigation or the delay in payment;

14                   (b) This rate has been deemed reasonable in connection with the approval  
15                   of my fee application in recent matters, including before the Superior  
16                   Court of California for the County of San Francisco in June of 2020;

17                   (c) The hourly rates are commensurate with what other lawyers of similar  
18                   experience charge, as acknowledged by courts in the Ninth Circuit.  
19          

20           9. My firm has incurred a total of \$3,069.13 in un-reimbursed expenses in connection  
21           with the prosecution of this litigation.  
22          

23             
24             
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26           **DECLARATION OF GREGORY J. BROD IN SUPPORT OF MOTION FOR ATTORNEYS' FEES AND**  
27           **REIMBURSEMENT OF EXPENSES FILED ON BEHALF OF BROD LAW FIRM, P.C.: Case No. 3:18-cv-01921-SI**  
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10. The expenses incurred in this action are reflected on the books and records of my firm, which are available at the request of the Court. These books and records are prepared from expense vouchers, credit card statements, check records and other source materials and are an accurate record of the expenses as charged by the vendors. Third-party expenses are not marked up. Upon request, I will provide the Court with copies of documentation for each of the costs itemized above.

11. By agreement between Class Counsel, my firm is not charging separately for the following costs and expenses: secretarial and clerical overtime, including their meals and local transportation; after-hours HVAC; word processing; subscription legal research, secretarial/clerical time for document preparation; time charges for routine copying, faxing or scanning; incoming/outgoing fax charges; office supplies (such as paper, binders, etc.); special publications; continuing legal education seminars; working meals for attorneys (with the exception of meals with clients, expert or other witnesses, or meal expenses for meetings between Plaintiffs' Counsel); and local overtime meals and transportation for attorneys.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this is executed in Larkspur, California, this 6th day of May, 2021.



GREGORY J. BROD

**DECLARATION OF GREGORY J. BROD IN SUPPORT OF MOTION FOR ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES FILED ON BEHALF OF BROD LAW FIRM, P.C.: Case No. 3:18-cv-01921-SI**

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**EXHIBIT 1****BROD LAW FIRM, P.C.****TIME REPORT — Inception through May 1, 2021**

Name	A	B	C	D	E	F	G	H	Total Hours	Hourly Rate	Total Lodestar
<b>PARTNERS:</b>											
									0.00		\$0.00
									0.00		\$0.00
									0.00		\$0.00
<b>ATTORNEYS:</b>											
Gregory J. Brod	32	56	158	4	5	0	134	3	392	\$650	\$254,800.00
									0.00		\$0.00
									0.00		\$0.00
<b>PROFESSIONAL SUPPORT STAFF:</b>											
									0.00		\$0.00
									0.00		\$0.00
									0.00		\$0.00
<b>TOTAL LODESTAR</b>	32	56	158	4	5	0	134	3	392		\$254,800.00

**CATEGORIES**

- a. Case Assessment, Pre-Filing Investigation, Initial Complaint
- b. Briefs, Motions, Pleadings and Research
- c. Discovery and Post-Filing Investigation
- d. Class Certification
- e. Experts & Consultants
- f. Court Appearances & Preparation
- g. Conferences, Interviews, Telephone Calls, Meetings & Correspondence
- h. Settlement

Exhibit 1

Exhibit 6

Joint Declaration in Support of Motion for Final Approval and Award of Attorney Fees and Costs and Service Awards to Plaintiffs

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EXHIBIT 2  
BROD LAW FIRM, P.C.

**EXPENSE REPORT — Inception through May 1, 2021**

<b><u>Categories:</u></b>	<b><u>Amount</u></b>
Photocopies/Reproduction	\$0.00
Postage/Notice Costs	\$0.00
Telephone	\$0.00
Messengers/Express Services	\$0.00
Filing/Witness Fees	\$0.00
Court Reporters/Transcript/Video	\$0.00
Pro Hac Vice Application Costs	\$1,000.00
Computer Research (Lexis, Pacer, etc.)	\$0.00
Experts/Consultants/Professional Services	\$0.00
Document and Data Management Expenses	\$0.00
Mediation	\$0.00
Out-of-Town Meals/Hotel/Transportation	\$2,069.13
Facsimile Charges	\$0.00
<b>TOTAL EXPENSES:</b>	<b>\$3,069.13</b>

Exhibit 2

Exhibit 6



**GREGORY J. BROD**

PROFESSIONAL  
HISTORY:

**BROD LAW FIRM, P.C.** San Francisco, California  
Plaintiff's side litigation boutique focusing on all aspects of personal injury, legal malpractice, qui-tam, class actions, landlord-tenant, business disputes, and oil and gas.

TICKETMASTER (TicketWeb Division) Berkeley, California 4/2000 to 2/2001  
General Counsel/Director Business Development.

Law Offices of BELLI & McLEAN San Francisco, California 1/1998 to 3/2000  
Attorney in trial law firm specializing in civil litigation.

CAUDLE, WELCH, POLITEO & BOVEE Law Firm Oakland, California 4/1997-12/97  
Associate attorney in law firm practicing personal lines insurance defense.

EDUCATION:

UNIVERSITY OF HOUSTON LAW CENTER Houston, Texas J.D., 1996  
Activities: Hippard Mock Trial, Blakely Moot Court, Newhouse  
Mediation Competition, Intellectual Property Student Organization.

LOUISIANA STATE UNIVERSITY International Law Program Summer 1994  
Aix-en-Provence, France

UNIVERSITY OF MARYLAND, College Park, Maryland B.A., 1989  
Major: Speech Communication/English

OTHER:

State Bar of California: Member in good standing since December 1996;  
Admitted before U.S.D.C. Northern, Eastern and Central Districts of  
California; Admitted to United States Court of Appeals for the Ninth Circuit;  
Qualified Mediator under Texas ADR Act; San Francisco Trial Lawyers  
Association ("SFTLA") Member since 2001; SFTLA Education Committee  
Member; ABA Health Law Section Member; Consumer Attorneys  
Association of California Member; Former NFLPA Certified Contract  
Advisor; CLE lecturer on Attorney's Fees - San Francisco Trial Lawyers  
Association, August, 2018; CLE lecturer on Comparative Fault - Strafford  
Publications, March, 2019

Publications: Fee Agreements – *Limiting time in which Legal Malpractice  
claims may be brought*; Plaintiff Magazine, April 2013; *Short-term rent websites  
create unique landlord-tenant challenges*, Not Big Law Magazine, May, 2014;  
*A System for Building and Maintaining Client Relationships in Contingency Fee  
Cases* - Plaintiff Magazine, July, 2019

Exhibit 3

Exhibit 6